IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 5TH JULY 2007 / 14TH ASHADHA 1929

WP(C).No. 7124 of 2004(W)

OS.255/2001 of MUNSIFF COURT, OTTAPPALAM
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PETITIONER:

RAMAKRISHNAN, S/O.THAZHATHETHIL NAKAN,
LEKKIDI AMSOM, THEKKUMANGALAM DESOM,
OTTAPALAM TALUK.

BY ADV. SRI.SANTHEEP ANKARATH

RESPONDENTS:
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1. INDIRA, D/O.KAVIL PARAMBIL AYYAPPAN,
CHUNAGAD POST, OTTAPALAM TALUK.

2. MADHUSOODHANAN, S/O.KANDARAMATH
MADHURA MEENAKSHI @ AMMU, LEKKIDI AMSOM,
THEKKUMANGALAM DESOM, OTTAPALAM TALUK.

BY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P(C)No.7124/2005

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1. True copy of the OP.37 of 99 before the Sub Court, Ottappalam, dated 28-3-99

Ext.P2. True copy of the OS.255 of 2001 Munsiff Court, Ottapalam dt. 20-6-2001

Ext.P3. True copy of the petition dt. 21-6-03 IA 1268 of 03 in OS.255 of 2001

Ext.P4. True copy of the order dt. 7-8-03 by the Sub Court, Ottapalam in I.A.1268/03 in OS.255/2001.

/ TRUE COPY /

P.S.TO JUDGE

KURIAN JOSEPH & T.R.RAMACHANDRAN NAIR,JJ.

W.P(C)No.7124 of 2004

Dated this the 5th day of July, 2007

JUDGMENT

Kurian Joseph,J.

Petitioner is aggrieved by Ext.P4 order dated 7-8-2003 in I.A.No.1268/2003 in O.S.No.255/2001. It is an application filed under Section 10 of the CPC for staying all further proceedings in the suit till the disposal of Mat. Appeal No.35 of 2003 pending before this court. The suit is one for damages. In the nature of the pleadings in the suit and as referred to in the writ petition we are of the view that it is only appropriate that the suit is tried only after the disposal of Mat. Appeal No.35/2003 referred to above since the crux of the issue is the family dispute between the petitioner and the first respondent. Accordingly we set aside Ext.P4 order passed by the Munsiff Court, Ottapalam in I.A.No.1268/2003 in O.S.No.255/2001 and the application is allowed.

The writ petition is allowed as above.

(KURIAN JOSEPH, JUDGE)

(T.R.RAMACHANDRAN NAIR, JUDGE)

ahg.